

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2018-XXXX-DWQ AMENDING

NPDES NO. CAS000001  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
**ORDER WQ 2014-0057-DWQ**  
(AS AMENDED BY **ORDER WQ 2015-0122-DWQ**)

### GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES

THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD (HEREAFTER  
STATE WATER BOARD) FINDS:

1. The general permit for storm water discharges associated with industrial activities<sup>1</sup> (General Permit) was issued by the State Water Board as a National Pollutant Discharge Elimination System (NPDES) permit under the authority delegated by the U.S. Environmental Protection Agency (U.S. EPA). The General Permit was adopted on April 1, 2014 and became effective on July 1, 2015. The General Permit was amended by [Order 2015-0122-DWQ](#), effective August 4, 2015.
2. This amendment incorporates the new U.S. EPA approved Sufficiently Sensitive Methods rule, permit requirements to implement total maximum daily loads (TMDLs), and statewide Compliance Options.
3. TMDLs relate to the maximum amount of a pollutant that a water body can receive and still attain water quality standards. A TMDL is defined as the sum of the allocated loads of a single pollutant from all contributing point sources (the waste load allocations) and non-point sources (the load allocations), plus the contribution from background sources. (40 C.F.R. § 130.2(i).) Discharges addressed by this General Permit are point source discharges, and therefore must comply with effluent limitations that are “consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the state and approved by U.S. EPA pursuant to 40 Code of Federal Regulations section 130.7. (40 C.F.R. § 122.44 (d)(1)(vii).) In addition, Water Code section 13263, subdivision (a), requires that waste discharge requirements implement any relevant water quality control plans.
4. In 2014, U.S. EPA finalized minor amendments to its Clean Water Act (CWA) regulations to codify that under the National Pollutant Discharge Elimination System (NPDES) program, where U.S. EPA has promulgated or otherwise approved analytical methods under 40 CFR Part 136, or 40 CFR Chapter I, subchapters N and O, permit applicants must use “sufficiently sensitive” analytical test methods when completing an NPDES permit application. (40 C.F.R. § 122.44(i).) This General Permit is an NPDES permit and therefore must incorporate the new federal requirements.

---

<sup>1</sup> State Water Board Order 2014-0057-DWQ

# DRAFT

5. During the 2014 adoption of the General Order, the State Water Board recognized that the development of TMDL-specific permit requirements derived from each TMDL's waste load allocations and implementation requirements is needed to provide clarity to Dischargers regarding their responsibilities for compliance with applicable TMDLs. Because most of the TMDLs were established by the Regional Water Boards, the 2014 General Permit required that the Regional Water Boards submit to the State Water Board TMDL-specific permit requirements for proposed adoption into the General Permit following a 30-day public comment period. In April 2014, the Regional Water Board submitted the proposed language, and all public comments received, to the State Water Board.
6. In December 2017, State Water Board staff held focused stakeholder meetings with interested parties that submitted public comments regarding the Regional Water Boards' draft TMDL-implementation language. Subsequent collaborative stakeholder meetings initiated the development of the proposed statewide Compliance Options. The General Permit Amendment includes statewide Compliance Options that grant compliance with receiving water limitations, some discharge prohibitions, and most effluent limitations and excuse permittees from a variety of General Permit requirements, including the numeric action level (NAL) and Exceedance Response Action (ERA) requirements, in exchange for implementation of on-site and/or regional storm water capture best management practices. These best management practices must be sized to prevent all discharges to surface waters of the volume of runoff produced up to and during the 85<sup>th</sup> percentile, 24-hour precipitation event based upon local, historical precipitation data and records.
7. Per Code of Federal Regulations, part 40, sections 122.62 and 124.10, the State Water Board issued a Public Notice on January 5, 2018, for a public comment period to accept written comments on the proposed amendment to the General Permit. A Board Hearing was held on January 9, 2018. Following the release of the final proposed amendment, a staff workshop was held on October 24, 2018.

## IT IS HEREBY ORDERED THAT:

Order No. 2014-0057-DWQ as amended by Order 2015-0122-DWQ is hereby amended as shown in the attached Order, Fact Sheet, Attachment B, Attachment C, Attachment E, and Attachment I.

## CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 6, 2018.

---

Jeanine Townsend  
Clerk to the Board